



06-18-04

IFW

Practitioner's Docket No. 1001-116

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William J. Barz

Application No.: 10/646,439

Filed: 08/21/2003

For: STRUCTURAL REINFORCEMENT MEMBER AND METHOD OF USE THEREFOR

Group No.: 3612

Examiner: Kiran B. Patel

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

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37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.

37 C.F.R. § 1.10*

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TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____

Roni L. Masquelier
Signature

Date: 06-17-04

Roni L. Masquelier

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| (Col. 1) | (Col. 2) | (Col. 3) | OTHER THAN A SMALL ENTITY | | | | |
|-------------------------------------------|---------------------------------------|------------------|---------------------------|------|-------------------------|-------------------|------|
| CLAIMS | | | | | | | |
| REMAINING AFTER AMENDMENT | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | | | ADDITIONAL FEE | |
| TOTAL | 20 | - 26 | = 0 | x \$ | 18.00 | = \$ | 0.00 |
| INDEP. | 1 | - 3 | = 0 | x \$ | 86.00 | = \$ | 0.00 |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | \$ 0.00 | = \$ | 0.00 |
| | | | | | TOTAL ADDITIONAL FEE | \$ | 0.00 |

No additional fee for claims is required.

FEE DEFICIENCY

5. An additional extension and/or fee is required, charge Account No. 50-1097.

An additional fee for claims is required, charge Account No. 50-1097.

Date: 6 - 17 - 04



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William J. Barz

Serial No.: 10/646,439 Group Art Unit: 3612

Filed: August 21, 2003 Examiner: Kiran B. Patel

For: STRUCTURAL REINFORCEMENT MEMBER AND METHOD OF USE
THEREFOR

Attorney Docket No.: 1001-116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION REQUIREMENT PURSUANT TO 35 U.S.C. 121

Dear Sir:

This response addresses the Election/Restriction requirement dated June 9, 2004 with respect to the above-identified patent application. Applicants elect, with traverse, to proceed with Group I, claims of 1-12 as identified by the Election/Restriction requirement.

Applicants traverse the Election/Restriction requirement on the ground that the combination/subcombination reasoning of the Election/Restriction requirement is improper. In particular, for an Election/Restriction requirement based upon a combination/subcombination to be proper, there should be a claim drawn to the subcombination that is separate from any claims drawn to the combination. In this regard, the Election/Restriction requirement suggests, at page 3 and 4 that, "the combination I as claimed does not require the particulars of a plurality of first body members of subcombination II, and a second connector of subcombination III." However, the "plurality of first body members" identified as subcombination II (claims 13-20) and the "second connector" identified as subcombination III (claims 21-26) are both claimed as part of the

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))

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Date: 06-17-04

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Signature

Roni L. Masquelier

Roni L. Masquelier

(type or print name of person certifying)

combination I (claims 1-12) (i.e., as part of a reinforced structural member having (a) an elongated carrier... and (b) a reinforcement material). Thus, there is no subcombination wherein the subcombination is claimed as part of a combination and is also claimed separate from the combination. As such, Applicants believe that the Election/Restriction requirement is improper and should be withdrawn.

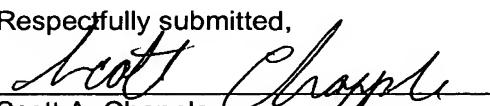
If the Election/Restriction requirement is withdrawn, Applicants request that the amendment filed herewith not be entered. In the alternative, if the Election/Restriction requirement is not withdrawn, Applicants request entry of the amendment filed herewith.

If the Examiner has any questions with respect to this communication, the Examiner is kindly urged to call the undersigned.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 50-1097 for any fee which may be due.

Dated: 6-17, 2004

Respectfully submitted,



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RESPONSE AND AMENDMENT

In response to the Election/Restriction Requirement of June 9, 2004, Applicants file the present Response and Amendment. If the Election/Restriction requirement is withdrawn, Applicants request that this amendment not be entered. In the alternative, if the Election/Restriction requirement is not withdrawn, Applicants request entry of this amendment.